

Message

From: Cirian, Mike [Cirian.Mike@epa.gov]
Sent: 2/23/2016 3:31:20 PM
To: Russo, Rebecca [Russo.Rebecca@epa.gov]
Subject: Re: CFAC

Hi Rebecca

Will you send out a call in number?

Mike C.

Sent from my iPhone

On Feb 23, 2016, at 7:31 AM, Russo, Rebecca <Russo.Rebecca@epa.gov> wrote:

We're on for 4pm. I'll get a room and send out an invite when I get to the office.
Thanks everyone.

Sent from my iPhone

On Feb 22, 2016, at 9:40 PM, Russo, Rebecca <Russo.Rebecca@epa.gov> wrote:

Please pencil it in. I'll reach out to Erik to ensure it works for them.
Thanks.

Sent from my iPhone

On Feb 22, 2016, at 8:52 PM, Peterson, Cynthia <Peterson.Cynthia@epa.gov> wrote:

Me, too.

Cynthia

Sent from my EPA iPhone

On Feb 22, 2016, at 8:22 PM, Cirian, Mike
<Cirian.Mike@epa.gov> wrote:

Works for me.

Mike C.

Sent from my iPhone

On Feb 22, 2016, at 5:11 PM, Russo, Rebecca
<Russo.Rebecca@epa.gov> wrote:

Would 4pm mountain work for everyone? If so, I'll run it by Erik and Chad.

Thanks.
Rebecca

Rebecca A. Russo
Region 8 Congressional and
Intergovernmental Liaison
Office: 303-312-6757
Cell: 303-204-1930

From: Cirian, Mike
Sent: Monday, February 22, 2016 4:52 PM
To: Russo, Rebecca
<Russo.Rebecca@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>;
Faulk, Libby <Faulk.Libby@epa.gov>;
Vranka, Joe <vranka.joe@epa.gov>;
Madigan, Andrea
<Madigan.Andrea@epa.gov>
Cc: Levine, Carolyn
<Levine.Carolyn@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>
Subject: RE: CFAC

I'm available until 9:30 am or after
11:00 until 1:00 pm or after 4:00 pm

Mike C.

Mike Cirian, PE
Libby On-site Project Manager
US EPA
108 East 9th Street
Libby, MT 59923
(406) 293-6194 Office

From: Russo, Rebecca
Sent: Monday, February 22, 2016 4:37 PM
To: Peterson, Cynthia
<Peterson.Cynthia@epa.gov>; Faulk, Libby <Faulk.Libby@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>; Cirian, Mike <Cirian.Mike@epa.gov>; Madigan, Andrea <Madigan.Andrea@epa.gov>
Cc: Levine, Carolyn

<Levine.Carolyn@epa.gov>; Smith,
Paula <Smith.Paula@epa.gov>; Thomas,
Deb <thomas.debrah@epa.gov>
Subject: FW: CFAC

Hi all,
Erik Nylund (Senator Tester's staff)
would like a call tomorrow to discuss
the information Whitney sent him last
week (re-attached below) and to
discuss community outreach. I'm happy
to take his call to *gather* his questions,
but we will want a larger conference
call to actually *address* his questions. I
can try to set that up tomorrow with
Mike Cirian, Joe Vranka, Andrea
Madigan, Cynthia Peterson... anyone
else? Or I can simply gather his
questions tomorrow and set up the
larger call for a later date.
Let me know what approach you
prefer.

Thanks,
Rebecca

1. <!--[if !supportLists]--><!--
[endif]-->**Does the CFAC site
qualify for the Superfund
alternative approach?**

EPA is taking a hard look at the
eligibility criteria for the Superfund
Alternative Approach to determine
whether the CFAC site meets the
eligibility criteria. The agency is
gathering additional information
from CFAC to determine whether the
CFAC site meets the eligibility
criteria.

2. <!--[if !supportLists]--><!--
[endif]-->**If so, is the
Alternative Approach a
faster and better method
than the traditional
NPL/Superfund approach?**

The Superfund Alternative Approach
may not result in a faster and better
method than the traditional
Superfund/NPL approach at the
CFAC site. The Superfund

Alternative Approach uses the same investigation and cleanup process and standards as if the site were listed on the NPL. The first phase of the remedial process --the remedial investigation/feasibility study-- is currently underway. The CFAC site has been proposed for NPL listing, and the Superfund Alternative Approach could delay cleanup if the potentially responsible party (ies) become unwilling or unable to perform work and EPA needs federal funding to implement the selected remedy.

3. <!--[if !supportLists]--><!--
[endif]-->**What are the
advantages of the
Alternative approach?**

Some responsible parties prefer that a site be addressed through the Superfund process without NPL listing and are willing to agree to use the same response techniques, standards, and guidance and to achieve comparable cleanup levels. The Superfund Alternative Approach provides EPA with a mechanism to accommodate this preference.

4. <!--[if !supportLists]--><!--
[endif]-->**What are the
drawbacks of the Alternative
approach?**

EPA has proposed the CFAC site for NPL listing, and the Superfund Alternative Approach could delay cleanup if the potentially responsible party (ies) become unwilling or unable to perform work and EPA needs federal funding to implement the selected remedy. EPA is prohibited by federal law from tapping federal Superfund monies to pay for the cost of implementing the remedy at sites that are not listed on the NPL. As such, EPA would need to finalize the proposed rule to add the site to the NPL to access federal funding. In addition, EPA's

rulemaking to add the list to the NPL could be challenged in federal court. These activities likely would delay cleanup.

5. <!--[if !supportLists]--><!--
[endif]-->**Who makes the
decision as to which
approach is used? Is there
public comment/input on
this approach?**

The decision to adopt the Superfund Alternative Approach will be made by the EPA, and is not subject to public comment. Although there is no formal public comment period, the agency is always willing to hear from the community and other interested parties. In making this decision, EPA would confer with the State of Montana.

6. <!--[if !supportLists]--><!--
[endif]-->**If the alternative
approach is selected
and Glencore/CFAC “walks
away” after testing is
completed, what happens?
Does EPA then have to start
the NPL process all over or
does it get listed and
Superfund procedures
started?**

If EPA approved the Superfund Alternative Approach for the CFAC site, EPA would defer finalizing the proposed NPL listing. In order to finalize the listing at a later date if the potentially responsible party(ies) becomes unwilling or unable to perform work, EPA would need to respond to public comments on the proposed listing, address any concerns raised by such comments, and finalize the proposed rule to add the site to the NPL. In addition, EPA’s final rule could be challenged in federal court. These activities likely would delay cleanup.

7. <!--[if !supportLists]--><!--
[endif]-->**We were led to
believe that the site was
already listed on the NPL –
please provide clarification
on the process and where it
currently stands?**

A site is added to the NPL in accordance with a formal rulemaking process established by the Administrative Procedures Act. EPA published the proposed rule to add the CFAC site to the NPL on March 26, 2015, and established a public comment period. EPA received 77 public comments and has determined that the CFAC site qualifies for NPL listing. The site will be listed on the NPL only after EPA responds to public comments and publishes the final rule. EPA has committed not to list the site on the NPL any earlier than fall, 2016. For more information about the listing process, please visit the following web site:

<http://www.epa.gov/superfund/about-superfund-cleanup-process#tab-2>

From: Nylund, Erik (Tester)
[mailto:Erik_Nylund@tester.senate.gov]
]
Sent: Monday, February 22, 2016 4:25 PM
To: Russo, Rebecca
<Russo.Rebecca@epa.gov>
Cc: Campbell, Chad (Tester)
<Chad_Campbell@tester.senate.gov>
Subject: Re: CFAC

Thanks.

A couple clarifying items from the answers provided to the community questions. And also, we'd like to discuss community outreach. We think it would be helpful for you to

hear where our concerns are based.

Sent from my BlackBerry 10 smartph
one on the Verizon Wireless 4G LTE
network.

From: Russo, Rebecca
Sent: Monday, February 22, 2016 4:19 PM
To: Nylund, Erik (Tester)
Cc: Campbell, Chad (Tester)
Subject: RE: CFAC

Hi Erik,
I'm happy to chat with you and Chad
tomorrow. Was there anything specific
you'd like to discuss? It might be a
more productive conversation if I can
also bring in the appropriate site
contact(s) for you.
Let me know and I can arrange.
Thanks,
Rebecca

Rebecca A. Russo
Region 8 Congressional and
Intergovernmental Liaison
Office: 303-312-6757
Cell: 303-204-1930

From: Nylund, Erik (Tester)
[mailto:Erik_Nylund@tester.senate.gov
]
Sent: Monday, February 22, 2016 3:42
PM
To: Russo, Rebecca
<Russo.Rebecca@epa.gov>
Cc: Campbell, Chad (Tester)
<Chad_Campbell@tester.senate.gov>
Subject: CFAC

Hi Rebecca,

We have some issues still on CFAC.
Chad and I were asked to circle back
with you to have a conversation.
Can you find a few minutes to chat
with us tomorrow? We'll move
things around to make it work on
our end if you can find time.

Thanks,
Erik

Sent from my BlackBerry 10 smartph
one on the Verizon Wireless 4G LTE
network.